

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUN 19 2007

JOHN F. CORCORAN, CLERK
BY: *J. Farabee*
DEPUTY CLERK

SUN LIFE ASSURANCE COMPANY OF CANADA,

Plaintiff,

v.

SANDRA TINSLEY, *et al.*,

Defendant.

CIVIL ACTION No. 6:06-CV-00010

ORDER

JUDGE NORMAN K. MOON

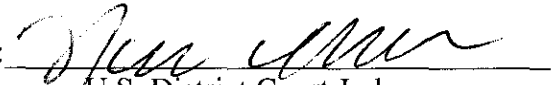
This case is before the court on Plaintiff's November 27, 2006 Motion for Attorney's Fees, brought after successfully interpleading defendants. The case was referred to the Honorable Michael Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The Magistrate filed his Report and Recommendation on January 9, 2007 recommending that this Court enter an Order awarding fees to Plaintiff, to be taxed against Louis and Louise Smith. No objections were timely filed. However, Louis Smith sent a letter to Judge Urbanski's chambers which arrived about a week late, asking that the award be set aside pending appeal of the action. This was docketed as a "Motion to Set Aside Judgment." Because the judgment will not be set aside, this motion is DENIED. However, because the appeal of the case could result in a change in the prevailing party, a stay in enforcement of the award is appropriate

After a review of the entire record in this case, this Court ADOPTS the Magistrate

Judge's Report in full and ORDERS the payment of attorney's fees as stated in the Report.

However, this payment shall be STAYED pending the final disposition of all appeals.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTER: 
U.S. District Court Judge

DATE: June 19, 2007